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JUL 1 5 2004

OFFICE OF PETITIONS

In re Application of

LIN

: DECISION REFUSING STATUS

: UNDER 37 CFR 1.47(b) Application No. 10/626,486

Filed: July 24, 2003

Atty. Dkt. No.: SRGLT.004RA For: TREATMENT OF PRESBYOPIA AND OTHER EYE DISORDERS USING A SCANNING LASER SYSTEM

This decision is in response to the petition under 37 CFR 1.47(b), filed March 9, 2004.

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 24, 2003 without an executed oath or declaration and naming Jui-Teng Lin as sole inventor. Accordingly, a Notice to File Missing Parts of Reissue Application was mailed September 3, 2003 requiring, inter alia, an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the. oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks item (2) set forth above. An acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Any renewed petition must be accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.175. The oath or declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. Petitioner's attention is directed to MPEP 409.03(b) for further guidance.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By facsimile:

(703) 308-6916

By delivery service:

U.S. Patent and Trademark Office

(FedEx, UPS, DHL, etc.) 220 20th Street S.

Customer Window, Mail Stop Petition Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

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Senior Petitions Attorney

Office of Petitions